

## REMARKS

The objection under Section 112 is certainly not understood. Perhaps the Examiner is reading something into “initial” that is not appropriate. The language in the claim is supported substantially in haec verba in the specification at page 9, lines 20-28. Virtually the exact same language was contained in claim 12 as originally filed.

Page 3, line 20, talks about a time delay of the time shifted video being played back, falling below a certain threshold. That time delay, for example, can be the initial time delay in the claim in one embodiment. The language in the specification goes on to state that the video playback system will cease providing the time shifted video from the storage unit. Instead, the incoming video will be provided to the video output port directly. This corresponds to the claim when the time delay is less than a predetermined threshold displaying video stream without storing said stream. Necessarily, when the time delay was greater than that threshold, the system continues to display the video stream from the storage device. For example, the time delay may be due to the delay in storing in some embodiments.

Thus, there seems to be no basis for any such rejection of the claims. However, taking the exact same requirement set forth in the office action, there is clearly no basis in the Camhi specification for those limitations. For example, where is the support in Camhi for the language underlined by the Examiner in paragraph 3 in the office action in rejecting the present application under Section 112? There is no discussion in the specification of any time delay, no discussion of any threshold, no discussion of any predetermined threshold, and no discussion of doing different things depending on the time delay anywhere in the specification.


Since the specification does not support the material set forth in the cited claim in Camhi, Camhi is not entitled to his effective filing date of 1994. Then, the claim language added during prosecution would only be effective, if at all, as of the reference’s date of publication which is after the filing date of the present application. As a result, Camhi cannot be used as prior art as of 1994.

As may be seen in the response attached, which was taken from the prosecution history, the claimed language relied on was inserted after Camhi filed his application. Since that subject matter was not in the application as filed, continued reliance on Section 102(e) is improper.

Therefore, reconsideration is requested.

Respectfully submitted,

Date: February 7, 2006



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Elie Camhi and Lawrence S. Kamhi

SERIAL NO.: 08/234,727

FILED: April 28, 1994

TITLE: Simultaneous Recording and Playback Apparatus

EXAMINER: Truong, K. ART UNIT: 2615

(An FWC of S/N 07/872,435 filed April 23, 1992.)

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

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AMENDMENT & RESPONSE

Sir:

In response to the Final Official Action dated February 20, 1996,  
and the subsequent telephone conversations held with Examiner K. Truong,  
Supervisory Examiner T. Chin, and Art Unit 2600 Director N. Godici,  
please amend the aforementioned Application as follows:

IN THE CLAIMS

Please cancel claims 1 - 12;

Please add the following claims:

1. A recording and playback apparatus for the substantially  
immediate and seamless resumption of interrupted perception of program  
information based upon audio or video signals, or both, without missing  
the program information presented during the interruption, comprising:  
means for powering the apparatus;  
a keyboard having a record key and a playback key;

1.16 375.00 CR  
1.15 190.00 LF

a control circuit coupled responsively to said keyboard;  
a memory unit coupled responsively to said control circuit, said memory unit having a medium for storage of information, said storage medium having structure which enables substantially random access to information stored in said medium for retrieval of the stored information from said storage medium;  
at least one input, said input being connected to a user's audio/video program signal source and also being coupled to said memory unit so as to enable program information presented by the signal source to be transferred to and stored in said memory unit; and  
at least one output, said output being connected to a user's audio or video display device or both, said output further being connected to said memory unit so as to enable the transfer of program information from said memory unit to the user's display device, said control circuit being configured so that substantially simultaneous recording and playback of program information is achieved when said record key is first actuated to begin a recording by initiating storage of the broadcast program information in said memory unit, and said playback key is subsequently <sup>and solely</sup> actuated to begin time delay playback of the recording from the beginning thereof by initiating retrieval of the stored program information in said memory unit, with the interval of the time delay being the same as the time elapsed between the actuation of said record key and the subsequent actuation of said playback key.--

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-- 14. The apparatus as set forth in claim 13, further comprising a remote control unit, and wherein said keyboard is housed in said remote control unit.--

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<sup>3</sup>  
-- ~~15~~. The apparatus as set forth in claim ~~14~~<sup>2</sup>, further comprising means for wireless communication between said remote control unit and said control circuit.--

<sup>4</sup>  
-- ~~16~~. The apparatus as set forth in claim ~~15~~<sup>3</sup>, wherein said means for wireless communication is infra red.--

<sup>5</sup>  
-- ~~17~~. The apparatus as set forth in claim ~~16~~<sup>1</sup>, wherein said storage medium is removable from the apparatus by the user.--

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<sup>5</sup>  
-- ~~18~~. The apparatus as set forth in claim ~~17~~<sup>5</sup>, wherein said storage medium comprises magnetic or optical disk memory.--

<sup>7</sup>  
-- ~~19~~. The apparatus as set forth in claim ~~18~~<sup>1</sup>, wherein said storage medium comprises solid state random access memory.--

<sup>8</sup>  
-- ~~20~~. The apparatus as set forth in claim ~~19~~<sup>1</sup>, wherein said keyboard further includes key means for enabling user control of the rate or sequence or both of transfer of program information from said memory unit to the user's display device, and such variation of rate or sequence results in a corresponding variation of the interval of the time delay.--

<sup>9</sup>  
-- ~~21~~. The apparatus as set forth in claim ~~20~~<sup>8</sup>, said control circuit being further configured to automatically discontinue both recording and playback functions, and resume normal real time display of broadcast

program information when said key means for controlling the sequence and rate is subsequently used to advance the playback of stored information to a point where the interval of the time delay becomes negligible.--

<sup>10</sup>  
-- ~~22~~. The apparatus as set forth in claim ~~20~~, wherein said key means includes a frame advance key for advancing the transfer of program information to the user's display device at a rate sufficiently slowly so that a user may review the content of the program information transferred from said memory unit on a frame by frame basis.--

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<sup>11</sup>  
-- ~~23~~. The apparatus as set forth in claim ~~13~~, further having at least one additional input, and all said inputs have programmable switches oriented serially therein so that said inputs may be coupled to a plurality of signal sources, and means for user setting of said programmable switches in which at least one of said plurality of signal sources is selected.--

<sup>12</sup>  
-- ~~24~~. The apparatus as set forth in claim ~~12~~, further including a filter interposed between said memory unit and said output, said filter being for detecting covert program information according to one or more predetermined patterns, said predetermined patterns being indicative of unsolicited or otherwise unauthorized information within the stored program information.--

<sup>14</sup>  
-- ~~25~~. A method for enabling the substantially immediate resumption of perception of broadcast program information after an interruption

thereof without missing the program information presented during the interruption, comprising the steps of:

providing a recording and playback apparatus having a keyboard having a record key and a playback key; a control circuit coupled responsively to said keyboard; a memory unit coupled responsively to said control circuit, said memory unit having a medium for storage of information, said storage medium having structure which enables substantially random access to information stored in said medium for retrieval of the stored information from said storage medium; at least one input, said input being connected to a user's audio/video program signal source and also being coupled to said memory unit so as to enable program information presented by the signal source to be transferred to and stored in said memory unit; at least one output, said output being connected to a user's audio or video display device or both, said output further being connected to said memory unit so as to enable the transfer of program information from said memory unit to the user's display device, said control circuit being configured so that substantially simultaneous recording and playback of program information is achieved when said record key is first actuated to begin a recording by initiating storage of the broadcast program information in said memory unit, and said playback key is subsequently <sup>and solely</sup> actuated to begin playback of the stored program information by initiating retrieval of the program information stored in said memory unit from the beginning thereof;

actuating said record key upon the beginning of the interruption to initiate storage of the broadcast program information in said memory unit; and

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actuating said playback key upon the conclusion of the interruption to initiate retrieval and display of the program information stored in said memory unit from the beginning thereof, while continuing to store the broadcast program information.—

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REMARKS

Reexamination and reconsideration of the instant application as amended is respectfully requested. Claims 1 through 12 have been cancelled. Claims 13 - 25 have been added. Claim 25, it should be noted, is a process claim. No new matter has been added.

Insofar as the rejections of the claims as previously presented may be applied to the new claims, the same is traversed according to applicant's previous arguments as if more fully set forth.

The claims in the instant application have been modified and rewritten to add further limitation, and more clearly point out and distinctly claim the function of the keyboard and associated control circuitry by which the instant invention achieves utility heretofore unmatched in the field. To the extent Sata, et al., may be deemed relevant hereto, applicant points out that Sata neither teaches nor suggests such structure or usage. While the physical differences between Sata and the instant invention may be small, they are not insignificant, in so far as the instant invention satisfies a long felt need for a solution to the interruption problem every program viewer or listener has experienced. It is respectfully asserted that patentability may not be negated by the manner of making an invention, and that no "spark of genius" is necessary, and that utility, novelty



and non obviousness may be achieved by recognition and addressing of a problem for which no solution exists in the marketplace.

Indeed, it is applicant's contention that as advanced as the consumer entertainment and electronics industry has become, the absence of any product which solves such a widespread and common problem is compelling indication of the non obviousness thereof. Accordingly, the obviousness of the instant invention cannot be evaluated in hindsight having knowledge of the instant invention, but rather from what is taught, suggested or motivated purely in view of the prior art. No substantiation of any such suggestion or motivation to modify the prior art to achieve the instant invention has yet been offered by the Examiner, which admittedly need not be express. The instant invention exists in an extremely crowded art, wherein even a small step forward should be regarded as significant.

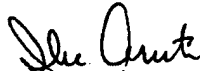
The Examiner has not disputed applicant's assertion that Sata seems to be an instant replay device for use in a television studio or the like. Consequently, it is essential to Sata that his device continuously records, because it is often difficult to predict when an event will occur for which repeated reproduction will be desirable. The Examiner, when asked in the interview of 4/26/96, declined to state what significance he attached to this requirement of Sata's. Furthermore, Sata does not explain how essential read designating data and track designating data is generated in order to find the storage location from which stored program information retrieval is to begin. In view of these facts applicant respectfully traverses the Examiner's assertion that an operator console having a record key is an inherent feature of Sata.

These issues address the control circuitry and the control scenario implemented thereby, which serve to distinguish Sata from the structure of the instant invention which is suited to the graceful recovery from interruption. With the instant invention, the desired portion is defined ahead of time by the ringing of the telephone, doorbell or other event to which the user may respond by initiating recording before discontinuing program perception to tend to the interruption. Similarly distinguishing from Sata, with the instant invention the point from which playback is to begin is always known to be at the beginning of the recording, and no particular read designating or track designating data is needed.

With respect to Zato and Kruger, et al., to the extent they have been cited against the present application, applicant points out that these devices as applied to Sata represent nothing more than mere remote control units. They offer nothing to make up for the basic deficiencies in Sata as compared to the instant invention as outlined above. In so far as it may be obvious to apply a remote control to any apparatus, such remote control units would merely implement the pre existing functions of the apparatus remotely. Beyond such application, the function of buttons which exist on a remote control device for one apparatus can not necessarily implement the same function on a different apparatus, particularly as in the case of Sata where the functions of those buttons are unsupported. Since neither Zato nor Kruger suggest or motivate a course of modification by which their button functions could be accommodated by Sata, their mutually exclusive teachings preclude intelligent argument in a greater degree of combination beyond Sata with the mere addition of a remote control.

By reason of the foregoing amendments and remarks, additional to arguments made previously by applicant, applicant respectfully submits that the new claims of the instant invention distinguish patentably from the previously cited references. Favorable action on the instant application is therefore believed to be in order, and is respectfully requested.

Respectfully submitted,



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